



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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**STATE BUILDING CODE COUNCIL
PUBLIC HEARING RECORD**

Hearing Date and Time: Friday, January 12, 2024, 10:00 a.m.

Council Members in Attendance: Todd Beyreuther, Justin Bourgault, Micah Chappell, Tom Handy, Craig Holt, Ben Omura, Peter Rieke

Staff in Attendance: Dustin Curb, Rozanna Ghanie, Annette Haworth

Others in Attendance: Steve Belzak, Ken Brouillette, Karen Christensen, Fire Code Consultant, Tyler Farmer, Anjali Grant, Angela Haupt, Andrea Kares, Brian Kehler, Dave Kokot, Carol Manus, Stephanie Moline, Jenny Nelson, Michele Oberg, Richard Pellingner, Scott Shannon, Todd Short, Jon Siu, Brian Smith, Michael Snook, TVW

<p>WAC 51-51-0202 and WAC 51-51-0331: Amendments to 2021 International Residential Code to modify provisions for Family Home Childcare</p>	<p>The proposed rule adopts changes to the provisions for “Family Home Childcare” in the 2021 International Residential Code. The changes are necessary to align with Senate Bill 5237 which allows the Department of Children Youth and Family to issue a waiver to the limit of twelve children. The changes allow up to sixteen children to be placed in a Family Home Childcare scenario while still using code requirements within the International Residential Code. Additional Safety considerations are added as well.</p>
<p>From:</p>	<p>Testimony</p>
<p>Anjali Grant</p>	<p>My name is Anjali Grant. I am a Seattle based architect with experience with family and centered based facilities. There is an interactive map on a website called childcaresdeserts.org, developed in part by a team of researchers at the University of Minnesota. The map leans red for scarcity of childcare relative to the number of children in the household, and blue for adequate supply. There is a slider on the map so that you can also look at poverty.</p> <p>We do have pockets of blue in Washington State, where we have adequate supply of childcare, primarily in urban areas, although it varies neighborhood by neighborhood.</p> <p>In our rural areas, there is a sea of red. Huge sections of the state have virtually no access.</p>

This material in alternative formats including braille, large print, and audio recording is available on request by emailing the SBCC at sbcc@des.wa.gov.

	<p>In 2021, I did some feasibility work with a nonprofit in Ferry County, which is in the north central area of the state. This is a county with 7,000 people spread out over 2200 square miles and a 10% unemployment rate.</p> <p>The nonprofit I worked with was trying to get funding for a new center; they were unsuccessful. At that time, there were two providers in the entire county, both of whom were family home care providers. I did a search for providers on the DCYF website this morning and found a single family home care provider within a 1000 mile radius of Republic, the largest city in Ferry County. Unfortunately, this provider has closed her doors.</p> <p>Based on census data, there are 322 children under 5 years of age in Ferry County. The proposed code change would give local jurisdictions, such as the building and fire department of Ferry County, some additional tools to help their communities.</p> <p>I live in an urban area with reasonably good access to childcare. As the breadwinner of my family, I needed that access for my own child, as did my mother for her children.</p> <p>I understand that spaces for children need to be safe, and as an architect I defer to the lived experience and expertise of our Fire Marshalls and fire-fighters. That said, I believe that there are circumstance where addition al flexibility would give small, rural communities the ability to better serve their citizens.</p> <p>Thank you very much to all the members of the Residential and Fire TAGs for your work on this proposed code change.</p>
Ken Brouillette	<p>Hi, my name is Ken Brouillette and I am representing the Seattle Fire Department and Seattle's Fire Marshall's office. With regards to the new sections that are proposed, the new section 331.3, there is an option one and option two. The Seattle Fire Department is only in favor of Option 1. We do not support Option 2. Thank you very much.</p>
Todd Short	<p>I am member of the fire service. I am actually on the residential TAG that process through this early on. My department is the Redmond Fire Department and I represent the Washington State Association of Fire Marshalls. We are in support of the option that requires the fire sprinklers and I want to provide you a little bit of justification as to why.</p> <p>Why does the fire service want fire sprinklers? Fire sprinkler systems are automatic and designed to provide additional time for occupants to evacuate safely. Only the sprinklers near the fire actuate to suppress the fire. They are proven to work and provide time to escape. Fire statistics show that young kids and older adults experience more harm from fires than any other population group. This proposal is suggesting Option 2 should be allowed that would</p>

	<p>allow for the omission of the fire sprinklers which we are not in favor of.</p> <p>Now, to increase to 16 does require an approval by the fire code official, but I think the State Building Code Council should go ahead and make this decision instead of pushing it to the local level. What we don't believe is there's any mitigation for the omission of the fire sprinklers even if the exiting is on the same level of exit discharge or that there maybe a door that's open right directly from the area. Those are really good things, but I am concerned that the criteria of two minutes to evacuate is being evaluated during fire drills where there is no harm or incident being involved. That does not duplicate what actually happens in a fire. Smoke and toxic gasses are produced that often impact the occupants negatively. The evacuation environment is likely to be smokey, hot, stressful and may require a low crawl to achieve the evacuation.</p> <p>It is suggested that 1 to 8, with kids 2 years or older is sufficient ratio. So with 16, you have 2 adults that may be the only people available to make sure that those 16 kids are allowed to evacuate. That means each of those adults has about 15 seconds per kids to make sure that they are evacuated safely. Now there maybe fires that occur, allowing 2 minutes to be sufficient, but home fires are burning hotter and faster with evidence that is showing escape times and flash over are being reduced to just 2 to 4 minutes. Because this involves a vulnerable part of the population, the TAG felt compelled to only approve the increase if the home has fire sprinklers.</p> <p>A similar action occurred with Adult Family Homes, requesting an increase from the 6 beds to 8 beds or residence and when that was brought forward it was only approved because the residential fire sprinklers were required for that seventh and eighth occupant. Remember, sprinklers buy time for evacuation. 16 kids involved in a fire should have the benefit of sprinklers.</p> <p>I am in favor for what the TAGs are promoting and that is to require sprinklers for the increase. So only Option 1. Thank you.</p>
	<p>The Hearing paused at 10:30 a.m. to wait for any additional testimonies.</p>
<p>Tyler Farmer</p>	<p>Good morning. Thank you for the opportunity to be here. My name is Tyler Farmer. I am with the State Department of Children, Youth and Families. My role is the strategic planning program manager and I wanted to give testimony on this draft bill before the State Building Code Council.</p> <p>First of all we're very happy that you are contemplating these changes in this way. It means a lot to our agency and also to the different programs that we serve and to the youth and families that we serve around the state. I am here to testify in support of specifically these changes, but specifically to Option Number 2, concerning Section 331.3. That option is very important to us because for a number of reasons.</p>

In 2021, we began this sort of journey of creating ways that we can support providers and families around the state due to the scarcity of childcare. It's really at crisis level around the state and childcare is an absolutely critical part of our society. It helps families, communities, and local economies to a huge effect. So in 2021, when the State Legislature passed the Fair Start for Kids Act, one of the things that they created was this waiver of the cap for the family home providers. Historically, the cap has been at 12 for 50, 60 years. Now they limited that cap so long as DCYF and other entities can create sufficient safety measures and quality measures for these programs. And we believe we've really done that here with not only working with the State Building Code Council and the work group that we put together with representatives around the state of building code and fire officials, but also how we are updating our own childcare licensing rules. We are adding some fairly robust safety requirements when a waiver is in place, and we are limiting a waiver to only 16 children which is simply an addition of 4 more children beyond the old cap. So this waiver means a lot to us. The State Building Code Council draft rule changes mean a lot to us, because it's the way to really help these small businesses, specifically in smaller or rural communities get a little breathing room while still helping families and their communities stay safe.

I want to talk about the fire sprinklers, certainly, I know often a topic is cost of these. We fully support them. We love fire sprinklers. We wish every program could have them. Unfortunately, they are expensive. And these are businesses that are very small with very tight, shoestring budget where even an increase of \$50 can cause a program to completely reanalyze and revamp their budget. So, this was a way to that we could sort of help providers and families like, I said, by tweaking our regulations while maintaining safety.

The Option 2 that creates the very narrow exception to the fire sprinklers, we think is a very critical component of these updates. Option 2 specifically still allows for very robust safety measures for the program and that in combination with our licensing requirements that we are also enhancing at the same time, we have those drafts in the materials here, still allow for very strong health and safety measures. Again, Option 2 is incredibly narrow exception to the broader exception of the fire sprinklers.

We like fire sprinklers, like I said, but the problem with not allowing the exception is if you go with Option 1, that is a safe option only on paper, because those programs will not actually be built and run in the real world, whereas we think programs operating Option 2 will. That is what we look at. We can write rules on paper that we feel good about but if no one is going to use them, then it's a futile exercise on our part. We think that might, unfortunately, be the case if you go with Option One.

	<p>That concludes my testimony. Option 2 strikes a good balance between safety for children, families, and staff but also supporting Family Home Childcare Programs and serving families. So thank you so much for the opportunity. And that's it for my testimony.</p>
Karen Christensen	<p>Thank you for having us here and the ability to speak. This is very important to us. I, also like Tyler, I work for the Department of Children, Youth, and Families. I work specifically in childcare licensing and that has always been our first and primary concern, to keep the safety of children in care our biggest priority. We have worked extensively with this work group that Tyler mentioned, for over a year. That has included folks from local fire and building agencies. It has been very helpful. We have learned a lot. We have then come up with this draft language for building code and for our WAC that we think does strike a balance, again like Tyler said, in safety of kids and also the ability to provide childcare because we are finding in childcare that there are a lot of illegal, unlicensed childcare providers that have no safety requirements that we do not oversee. It's scary. What we are trying to do is get those kids and other kids into safe places and that's license childcare.</p> <p>We think Option 2 is our best bet. Tyler kind of nailed. It is not even going to happen if it's Option One. We won't get any more kids into these Family Home Childcares. It's a deal breaker for them. They can't do it. So, Option 2 allows us the opportunity to get some more kids into safe license care.</p> <p>We have worked really extensively with the work group to develop, not just some additions to these building codes, but also to our own WAC. So, we added some safeguards such as not being allowed to provide care to over 12 children if they are doing overnight care. It's just less. We think we are not as able to watch that happen and make sure that it's safe for kids. We're increasing the emergency lighting, fire extinguishers, fire alarm systems. We're going to watch these providers do fire evacuation drills and time them. They will need to be done within a specific amount of time. We are also going to require providers have a document from their local jurisdiction that verifies that they do meet building and fire code.</p> <p>So, I appreciate again the opportunity to speak. I know that we all kids to be safe. We're not saying that Option 1 and Option 2 either one of them is not safe for children. We believe that Option 2 still is safe for children, and it is going to allow more kids to be in licensed safe care. Thank you. I appreciate the time and thanks for having us.</p>
	<p>The Hearing paused at 10:57 a.m. to wait for any additional testimonies.</p>
6. Adjourn	<p>The Hearing was adjourned at 11:58 a.m.</p>